

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**JEFFERY CABE, SEAN FREY, ANITA POTEETE,
RONDA ROHDE, ROBERT SNELL,
JEFFREY MOORE, ELISA TINNELL,
MICHAEL KAP, KAREN ROBERTSON,
JIM WESTRA, JOHNNY RUIZ, ARCHIE ROBINSON,
DECODA KEYS and NORMA MOODY, Each Individually
and on Behalf of All Others Similarly Situated**

PLAINTIFFS

vs.

No. 1:24-cv-1316

**EVERGREEN PACKAGING LLC,
and PACTIV EVERGREEN INC.**

DEFENDANTS

DECLARATION OF SEAN FREY

I, Sean Frey, do hereby swear, affirm, and attest as follows, based upon my personal knowledge of the matters contained herein:

1. My name is Sean Frey (formerly Sean Taylor), and I am over the age of eighteen (18) and duly qualified to execute this declaration.
2. I am a resident and domiciliary of the State of New York.
3. Evergreen Packaging, LLC, and Pactiv Evergreen Inc. (“Defendants”), own and operate multiple manufacturing facilities worldwide, including a facility in New York.
4. I worked for Defendants as an hourly-paid production worker in their Plattsburgh, New York facility from October of 2021 to February of 2023.
5. Defendants also employ other production workers, whom Defendants classify as hourly employees. I am personally familiar with the conditions under which many other hourly production workers worked.

Page 1 of 4

Jeffery Cabe, et al. v. Evergreen Packaging LLC, et al.
U.S.D.C. (N.D. Ill.) No. 1:24-cv-1316
Declaration of Sean Frey

6. My main job duty was to operate Defendant's paper-making machines and troubleshoot or maintain them when needed, and I also had other duties related to Defendants' business. Other production workers perform the same or similar job duties.

7. Defendants scheduled me and other production workers to work in eight-, twelve-, or sixteen-hour shifts.

8. I clocked in and out using a digital time clock that records my clock-in and - out times to the minute in an electronic payroll system maintained by Defendants. Other employees recorded their time the same way. I know this because I saw other employees logging their time using the time clock.

9. I and other production workers regularly clocked in up to between 10 and 15 minutes before the scheduled start of our shifts. After we clocked in, we went immediately to our stations and started working.

10. I and other production workers regularly clocked out a few minutes before the end of our scheduled shift after our relief arrived, but we could not clock out as early as we clocked in and started working.

11. When I arrived to relieve another production worker, or when the production worker who relieved me arrived at the end of my shift, our work overlapped.

12. As a result, I and other production workers regularly worked 15 to 20 minutes longer than our scheduled shifts.

13. However, Defendants consistently adjusted my hours to show that I worked only the hours I was scheduled to work on paper and only paid me for the scheduled hours.

14. I know that Defendants consistently paid other production workers for fewer hours than they had worked because I discussed this issue with other employees, and because I saw other employees clocking in and starting to work before their scheduled shifts.

15. I regularly worked more than 40 hours per week. I was ordinarily scheduled to work at least 40 hours, and as I explained above, I actually worked more than I was scheduled to work. I believe other production workers worked similar schedules to me because I have observed other production workers working schedules similar to mine, and because other production workers and I have discussed our schedules.

16. I know that Defendants consistently paid other production workers for fewer hours than they had worked because I discussed this issue with other employees, and because I saw other employees clocking in and starting to work before their scheduled shifts and continuing to work after the end of their scheduled shifts.

17. Based on the number of production workers who worked with me and the number of other locations I believe Defendants have, I estimate that there are at least 100 other individuals who work or have worked as hourly production workers for Defendants since February of 2021, although I do not know the exact number of the employees.

18. Based on my experience and the information and knowledge I have regarding the job duties and pay of production workers employed by Defendants, I believe that others would want to join this lawsuit if they were made aware of the opportunity to join the lawsuit.

**PURSUANT TO 28 U.S.C. § 1746, I VERIFY UNDER PENALTY OF PERJURY
UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING
IS TRUE AND CORRECT.**

Executed on this 26 day of April, 2024.

Sean Christopher Frey

SEAN FREY